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REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ORGANIZATION

Letter dated 12 October 1995 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of the memorandum on Jammu and Kashmir adopted at the annual Coordination Meeting of the Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference (OIC), held in New York on 2 October 1995. I should be grateful if you would have this memorandum circulated as a document of the fiftieth session of the General Assembly, under agenda item 10.

(Signed) Ahmed SNOUSSI
Permanent Representative
Chairman of the Organization
of the Islamic Conference

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Annex

[Original: Arabic, English and French]

Memorandum on the Jammu and Kashmir dispute by the true representatives of the Kashmiri people

presented to

Ministerial meeting of the Organization of the Islamic Conference contact group on Jammu and Kashmir on 28 September 1995 in New York

1. The true representatives of the people of Jammu and Kashmir, belonging to Indian-occupied Kashmir and Azad Jammu and Kashmir, having extensively deliberated the deteriorating conditions in Indian-occupied Kashmir, which pose a grave threat to the peace and stability of the entire South Asian region as well as the worsening situation of human rights in Indian-occupied Kashmir, agreed to draw the attention of the members of the OIC Ministerial Contact Group on Jammu and Kashmir to the following facts:

(a) In blatant violation of the Security Council resolutions, India has continued to occupy a major part of the territory of the State of Jammu and Kashmir since 1947. India has deployed over 600,000 troops in the disputed State of Jammu and Kashmir. The international community had decided that the question of the accession of the State of Jammu and Kashmir should be decided through an impartial and freely held plebiscite under the auspices of the United Nations;

(b) This is not a territorial dispute. This dispute is about the exercise of the fundamental right of self-determination. The Indian intransigence has resulted in the continuing denial of the right to self-determination of the people of Jammu and Kashmir. This inalienable and irrevocable right had been promised to them by India, Pakistan and the United Nations through several resolutions of the Security Council. The fulfilment of this commitment is a binding obligation on the international community;

(c) The fraudulent elections held in 1989 in which, according to the Indian sources, the turn-out was less than 3 per cent and the wave of self-determination sweeping across Europe encouraged the Kashmiris to intensify their struggle for their liberation from the Indian yoke and for the exercise of their right to self-determination;

(d) Since then India has been engaged in a campaign of repression against the Kashmiri people. Fifty thousand innocent Kashmiris have been killed, 32,000 wounded, 55,000 are missing and more than 20,000 have been disabled. During this period, thousands of Kashmiri women, between the ages of 7 and 80, have been humiliated and molested by members of the Indian occupation forces. Properties worth billions of dollars have been destroyed;

(e) Despite Indian claims to the contrary, the campaign of repression by India in Kashmir has been intensified in recent months. Recent reports of Amnesty International, Human Rights Watch, Physicians for Human Rights, the International Commission of Jurists, the British Parliamentary Human Rights Committee, the European Parliament, the Jammu and Kashmir High Court Bar Association and many other independent organizations have all attested to the continuing massive violations of human rights in Kashmir;

(f) In their reprehensible and oppressive reaction to the freedom movement in Indian-held Kashmir, the Indians have shown an inhuman disregard for the religious sentiments of millions of Muslims throughout the world. Having laid siege to the sacred city of Charar-e-Sharif ostensibly to flush out the freedom fighters, the Indian troops attacked the sacred town on 11 May 1995. The attacks resulted in the destruction and desecration of the shrine of Hazrat Sheikh Nooruddin Noorani, the Khanqah Mosque adjacent to it, and a madrasah. The assault on the Charar-e-Sharif town was premeditated and planned. The Indian troops chose to launch this deplorable attack on one of the holiest days of the Muslim faith, Id al-Adha;

(g) The Indian strategy is not only to crush the Kashmiri freedom movement but to break the will of the Kashmiri people. The desecration of the holy places of worship, the massacre of innocent civilians, the total disregard for the religious sentiments of the people clearly are part of a pattern to humiliate and intimidate the people of Kashmir into submission;

(h) The Indian claims of greater transparency are belied by the facts on the ground. Access to Kashmir remains limited. Unacceptable conditions are imposed on foreign visitors. The much-trumpeted Indian Human Rights Commission is farcical since it has no authority to investigate the violations committed by the armed forces and the paramilitary forces. Even less credible is the so-called initiation of the political process. There are no interlocutors for the Indian oppressors among the true representatives of the Kashmiri people;

(i) The people of Jammu and Kashmir will not accept the imposition of a fraudulent political process on Kashmir. India has failed to crush the Kashmiri struggle despite six years of massive and brutal repression. This struggle will continue until the Kashmiris realize their right to self-determination. The All Parties' Hurriyat (Freedom) Conference, representing 34 Kashmiri political parties, has rejected the so-called political process and has declared that any election held under the Indian Constitution will not be acceptable to the people of Kashmir. The so-called political process or the elections could not be a substitute for a plebiscite. The Security Council has clearly pronounced, in resolutions 91 (1951) and 122 (1957), that any such action "would not constitute a disposition of the State" in accordance with the principle of a free and impartial plebiscite to be conducted under the auspices of the United Nations;

(j) We solemnly reiterate our position in consonance with Security Council resolution 122 (1957) of 24 January 1957 which, in its paragraph 1, "Reaffirms the affirmation in its resolution 91 (1951) and declares that the convening of a constituent assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the

entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle";

(k) The Indian Government has frequently resorted to the extension of the President's rule in Indian-occupied Kashmir. The last such extension was promulgated on 2 July 1995. This decision is yet another evidence of the failure of their policy of occupation. This is also a mockery of all democratic principles. The nature of these elections itself reinforces the picture of a people held in bondage and denied the most basic of their legitimate rights. The fresh extension of presidential rule, like the previous ones, will only perpetuate and prolong the agony of the people of Kashmir. The answer lies neither in fake elections nor in arbitrary extensions of presidential rule, but in giving the Kashmiris their right to self-determination;

(l) We deplore the attempts of the Indian Government to split Jammu and Kashmir into ethnic and religious entities.

2. The representatives of the Kashmiri people deeply resent the efforts by Indian agencies to defame the Kashmiri freedom movement through the perpetration of criminal and terrorist actions for which they invariably put the blame on freedom fighters. We are extremely concerned at the ongoing hostage crisis, which leaves several questions unanswered: how kidnappings could occur in an area where the occupying forces were heavily concentrated? or how they were unable to locate the hideout of the abductors when they were able to pick up an American hostage, Mr. Childs, who escaped from captivity on 8 July 1995? or why they failed to track down the origin of the messages from hostage-takers, despite their modern equipment, on the strength of which the Indian intelligence agencies made a false claim of intercepting a fictitious signal from HUA to Al-Faran, the communications on radio, telephone and fax lines? or how the abductors also succeeded in dropping the dead body of the Norwegian tourist in the same area from where he had been kidnapped? The strong condemnation and rejection by the All Parties' Hurriyat (Freedom) Conference of the kidnappings of Western tourists and the total strikes in Jammu and Kashmir on their call should have indicated to Western observers the abhorrence in which such acts are held by the Kashmiri people.

3. The true representative of the Kashmiri people request the members of the OIC Ministerial Group and through them the United Nations and the international community to prevail on India to accept the following:

(a) Withdraw its forces from the disputed State in accordance with the United Nations Security Council resolutions and clear the obstacles in the way of holding a free and impartial plebiscite in Kashmir;

(b) Pending the total withdrawal of Indian forces and the holding of the plebiscite:

(i) Halt its repression of the civilian population in Kashmir;

(ii) Release all Kashmiris imprisoned in Jammu and Kashmir as well as in India;

(iii) Ensure that the Indian security forces observe the norms of humanitarian law relating to armed conflicts and refrain from indulging in torture, custodial deaths, disappearances, arrests without warrants and acts of humiliation against Kashmiri women;

(iv) Repeal urgently the emergency and other draconian laws or any substitutes thereof, which enable the Indian forces, agencies and authorities to violate human rights in Kashmir with impunity;

(v) Provide full and unrestricted access to Kashmir for all human rights organizations and relief agencies, including access to all imprisoned Kashmiris, political leaders and sites of reported massacres and violation of human rights. These steps should include the establishment of permanent offices in Srinagar and elsewhere in Kashmir by the International Committee of the Red Cross and International Red Crescent and early visits to Kashmir by Amnesty International and the thematic rapporteurs of the Commission on Human Rights on torture, disappearances, arbitrary detention and extrajudicial executions;

(vi) Ensure provision of humanitarian assistance by the international humanitarian and relief agencies for those Kashmiris affected by Indian repression;

(vii) Urge India to comply with the OIC decision to permit a fact-finding mission to Kashmir, which should be able to evaluate objectively the situation on the ground.

4. The Kashmiri representatives urge the OIC Ministerial Contact Group (a) to call upon the Secretary-General of the United Nations to take notice, in accordance with the Charter of the United Nations and the Security Council resolutions, of the deteriorating situation in the Indian-occupied Kashmir, which can have far-reaching consequences for peace and security of South Asia and (b) request the Secretary-General and the High Commissioner for Human Rights of the United Nations to submit reports on the human rights violations in Jammu and Kashmir to the General Assembly, the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, on the basis of the information obtained from all the relevant sources, particularly from the Kashmiri victims of Indian atrocities.

5. The Kashmiris feel that the above measures are a prerequisite for the creation of a climate conducive to a peaceful resolution of the Kashmir dispute in accordance with the wishes and aspirations of the people.